IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

THURSDAY, THE 7TH DECEMBER 2006 / 16TH AGRAHAYANA 1928

Bail Appl..No. 7233 of 2006()

CRIME NO.536/2006 OF CHATHANNOOR POLICE STATION

PETITIONERS:

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1. PADMA KUMAR, S/O.SURENDRAN,
PADMAVILASAM VEEDU, EDANADU, CHATHANNOOR.

2. N.U.GEORGE KUTTI,
NEDUGOTTU VALIYA VEEDU, EDANADU, DO.

3. KRISHNA KUMAR,
S/O.SADANANDAN, PULICHAMKUZHI VEEDU,
VARIJAM, CHATHANNOOR.

4. BABU, S/O.CHACKO, VATTAVILA VEEDU,
VARIJAM, CHATHANNOOR, KOLLAM DIST.

5. MANIYACHAN, S/O.JANARTHANAN,
PULICHAMKUZHI VEEDU, VARIJAM,
CHATHANNOOR.

6. MADHU, SUMALAYA, POLACHIRA,
CHATHANNOOR, KOLLAM DISTRICT.

BY ADV. SRI.B.S.SURESH (CHIRAKKARA)

RESPONDENT:

STATE OF KERALA REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SHRI. JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 07/12/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V.Ramkumar, J.

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B.A.No.7233 of 2006

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Dated this the 7th day of December, 2006.

ORDER

Petitioners six in number, seek anticipatory bail on the allegation that Chathannoor Police are after them in connection with Crime No.536 of 2006.

2. The learned Public Prosecutor on instructions submitted that petitioners 2 and 6 alone are the accused in the case at present and they are accused Nos. 1 and 2 respectively and the other petitioners are not accused in the case. He also submitted that originally the offence shown was one punishable under Section 379 I.P.C. and the same was subsequently altered for offences punishable under Sections 420, 427 and 283 read with Section 34 I.P.C. for allegedly removing 400 lorry loads of surface soil from the Vettikalveed – Pulichamkuzhi road without any award of the work or contract. Anticipatory bail cannot be granted in a case of this nature. In the case of the petitioners other than 2 and 6, since they are not accused in the case, the apprehension of arrest and harassment entertained by them is unfounded. In the case of petitioners 2 and 6 also there is no

reason why they should not seek regular bail after surrendering before the Magistrate concerned. Accordingly, if petitioners 2 and 6 surrender before the Magistrate and file an application for regular bail within two weeks from today, the same shall be considered and disposed of preferably on the same day on which it is filed. The other petitioners not being the accused in the above crime cannot be granted anticipatory bail.

With this observation, this petition is dismissed.

V.Ramkumar,
Judge.

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